

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE TO VACATE A UTILITY EASEMENT  
LOCATED WITHIN THE DAVENSHIRE SUBDIVISION IN THE  
CITY OF TONTITOWN, ARKANSAS.**

**WHEREAS**, upon information provided to the Mayor and City Council of the City of Tontitown, the utility easement more particularly described herein is of no use for any public purpose and has no value to the citizens of the City of Tontitown, and;

**WHEREAS**, it has been requested by the owner of the property on which the utility easement sits that the utility easement be abandoned, and;

**WHEREAS**, the Tontitown Planning Commission has reviewed the Petition to Vacate and recommends to the City Council that this request be approved; and

**WHEREAS**, the City Council of the City of Tontitown is empowered to vacate a utility easement which it concludes is no longer needed for city purposes.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown as follows:

**Section 1.** That the utility easement located on private property located at 1893 Pocco Lane, more specifically identified on the attached Exhibit "A" and also described in the legal description set forth below is hereby vacated by the City of Tontitown:

A PORTION OF AN EXISTING UTILITY EASEMENT LOCATED IN A PART OF LOT, DAVENSHIRE SUBDIVISION, TO THE CITY OF TONTITOWN, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 281, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT WHICH IS S87°14'31"E 22.49' AND N02°23'29"E 15.00' FROM THE SOUTHWEST CORNER OF SAID LOT 8 AND RUNNING THENCE N02°23'29"E 208.50', THENCE S87°14'31"E 12.50', THENCE S02°23'29"W 208.50', THENCE N87°14'31"W 12.50', TO THE POINT OF BEGINNING, CONTAINING 0.06 ACRES, MORE OR LESS.

**Section 2.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 3.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this ordinance shall be adjudged invalid, unenforceable or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid,

unenforceable or unconstitutional, and the remaining provisions of this ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Paul Colvin, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Ardemagni, City Recorder-Treasurer

[illegible]